IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Chapter VIII, Rule 32(2) (b)
Description of case

Special Appeal No. 83 of 2004

Date of decision: 23rd November, 2004

For the approval of:

Hon'ble Chief Justice V.S. Sirpurkar.

Hon'ble Mr. Justice Rajesh Tandon.

- Whether the order/judgment should be sent to the reporters for reporting? ( )

- Whether the reporters be allowed to see the judgment? (Yes)

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IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Special Appeal No. 83 of 2004

Lalit Mohan Upreti S/o Sri Ishwari Datt Upreti,
R/o Mohalla Thara Dunga, P.O. Lohaghat,
District Champawat & others. …….. Appellants

Versus

State of Uttaranchal through Secretary,
Law and Justice Department,
Dehradun & others. …… Respondents

Mr. Rakesh Thapliyal, learned counsel on behalf of the appellants.
Mr. K.P. Upadhyaya, learned Brief Holder for the State.

Coram: Hon. V.S. Sirpurkar, C.J.
Hon. Rajesh Tandon, J.

(Per Hon'ble the Chief Justice)

1. Heard Mr. Rakesh Thapliyal, learned counsel for the appellants and Mr. K.P. Upadhyaya, learned Brief Holder for the State.

2. We are not impressed by this appeal at all. The appeal is against the order of the learned Single Judge, whereby the learned Single Judge has dismissed the writ petition.

3. The writ petition was for assailing the orders of termination passed by the District Judge, Champawat. It is admitted fact that the petitioners i.e. the appellants herein joined on 01.04.2004 and all of them were terminated on 7.04.2004. We have seen the termination order. It is innocuous. It does not cast any stigma.

4. Mr. Rakesh Thapliyal, learned counsel asserts that these were the regular appointments and therefore, some reasons should have been given before terminating their services. We do not agree. The very look of the appointment order suggests that the termination could be done any time without giving any notice. This is apart from the fact that the appointment was of three months' probation. The learned counsel further says that where the appointments were found to be irregular, as per the law laid down in 1998(8) Supreme Court Cases

194 in the case of Basudeo Tiwary Vs Sido Kanhu University & others, there should have been an inquiry, first, into the appointments. That is not the case here. The termination has been termination simpliciter without casting any stigma. We agree with the learned Single Judge.

5. In that view of the matter, the appeal has no merits and it is dismissed.

(Rajesh Tandon, J.) **(V.S. Sirpurkar, C.J.)**
23.11.2004 **23.11.2004**

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